

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ENID GOMEZ,

Plaintiff,

Case No. 10-13287

10-13442

10-13288

HON. BERNARD A. FRIEDMAN

vs.

GMAC MORTGAGE, LLC, et al.,

Defendants.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Virginia M. Morgan's Report and Recommendation ("R and R") dated December 15, 2010, recommending that the Court grant Defendants' motions to dismiss and deny Plaintiff's motions for default. On December 29, 2010, Plaintiff filed a motion for extension of time to file a response to the R and R. In it, she requested until January 10, 2011 to file her response, which the Court granted in an Order dated December 30, 2010. Plaintiff did not file a response.

This Court has had an opportunity to fully review this matter and the parties' filings, and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons. As Magistrate Judge Morgan reported, Plaintiff's complaint makes legal conclusions that are not supported by factual recitations. While the Court grants some leeway to a *pro se* litigant such as Plaintiff, she must still detail the factual basis for her claims. In addition, Plaintiff's complaint is based upon statutes that are not legally applicable to Defendants, and the relevant statutes of

limitations have passed. Plaintiff's complaint, on its face, does not contain facts sufficient to state claims upon which relief can be granted. Defendants' motions to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) is granted.

In addition, Plaintiff has filed a motion for default, because the answer to her complaint was filed shortly after the expiration of the 21 day time period permitted for filing an answer. As the Court finds that Plaintiff's complaint does not contain a claim upon which relief may be granted, the Court will deny Plaintiff's motion for default.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Virginia M. Morgan's Report and Recommendation dated December 15, 2010, is hereby accepted and adopted.

IT IS FURTHER ORDERED that Defendants' Motions to dismiss are GRANTED.

IT IS FURTHER ORDERED that Plaintiff's motions for default are DENIED.

Dated: January 21, 2011  
Detroit, Michigan

\_\_\_\_s/Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon counsel of record by electronic and/or first-class mail.

S/Carol Mullins  
Case Manager to Judge Friedman